

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Jacob Angelo Massey v. Anne Carpenter, et al.

Massey · No. 3:25-cv-00560-MMD-CSD · Decided December 8, 2025

OPINION

2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 * * * 6 JACOB
ANGELO MASSEY, Case No. 3:25-cv-00560-MMD-CSD 7 Plaintiff, ORDER v. 8 ANNE
CARPENTER, et al., 9 Defendants. 10 11 I. SUMMARY 12 Pro se Plaintiff Jacob Angelo Massey
brings this civil-rights action under 42 U.S.C. 13 § 1983.

On November 4, 2025, this Court ordered Massey to update his address by 14 November 25,
2025. (ECF No. 5.) That deadline expired without an updated address from 15 Massey, and his
mail from the Court is being returned as undeliverable. (ECF Nos. 6, 7.) 16 II. DISCUSSION 17
District courts have the inherent power to control their dockets and “[i]n the 18 exercise of that
power, they may impose sanctions including, where appropriate...

19 dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 20
(9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court 21
order or comply with local rules. See *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 22 1988)
(affirming dismissal for failure to comply with local rule requiring pro se plaintiffs to 23
keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th 24 Cir.

1987) (dismissal for failure to comply with court order). In determining whether to 25
dismiss an action on one of these grounds, the Court must consider: (1) the public’s 26
interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; 27
(3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of 28
cases on their merits; and (5) the availability of less drastic alternatives.

See *In re Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987)). 3 The first two factors,
the public’s interest in expeditiously resolving this litigation 4 and the Court’s interest in
managing its docket, weigh in favor of dismissal of Massey’s 5 claims.

The third factor, risk of prejudice to defendants, also weighs in favor of dismissal 6 because a
presumption of injury arises from the occurrence of unreasonable delay in filing 7 a pleading
ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542 8 F.2d 522, 524 (9th
Cir. 1976).

The fourth factor—the public policy favoring disposition of 9 cases on their merits—is greatly
outweighed by the factors favoring dismissal. 10 The fifth factor requires the Court to consider

whether less drastic alternatives can be used to correct the party's failure that brought about the Court's need to consider dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir.

1999) (explaining that considering less drastic alternatives before the party has disobeyed a court order does not satisfy this factor); accord *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that "the persuasive force of" earlier Ninth Circuit cases that "implicitly accepted pursuit of last drastic alternatives prior to disobedience of the court's order as satisfying this element[.]" i.e., like the "initial granting of leave to amend coupled with the warning of dismissal for failure to comply[.]" have been "eroded" by *Yourish*).

Courts "need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives." *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986).

Because this action cannot realistically proceed if the Court and Defendants cannot send Massey case-related documents, filings, and orders, the only alternative is to enter a second order setting another deadline. But without an updated address, the likelihood that the second order would even reach Massey is low, so issuing a second order will only delay the inevitable and further squander the Court's finite resources.

Setting another deadline is not a meaningful alternative given these circumstances. So the fifth factor favors dismissal. **II. CONCLUSION** Having thoroughly considered these dismissal factors, the Court finds that they weigh in favor of dismissal. It is therefore ordered that this action is dismissed without prejudice based on Massey's failure to file an updated address in compliance with this Court's November 5, 2025 order.

It is further ordered that the Magistrate Judge's Report and Recommendation (ECF 7 No. 8), recommending dismissal for failure to update address, is rejected as moot. The Clerk of Court is directed to enter judgment accordingly and close this case. No other documents may be filed in this now-closed case. If Massey wishes to pursue his claims, he must file a complaint in a new case and provide the Court with his current address.

DATED THIS 8th Day of December 2025. **MIRANDAM.DU** ☐☐☐☐☐ **UNITED STATES DISTRICT JUDGE**